

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,

C/A No. 3:14-cv-01794-JFA

Plaintiff,

vs.

ORDER

\$116,850.00 in United States Currency,

Defendant.

This matter is before the Court on Sergeant Jason Tassone and the Sumter County Sheriff's (together "Movants") Motion for a Protective Order (ECF No. 109) under Rule 5.2, Fed. R. Civ. P., directing that ECF Nos. 106 and 106-1 be maintained under seal and that they not be publicly available.

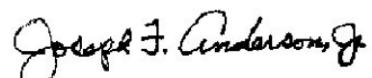
This Court entered an order to produce the disciplinary record of Sergeant Jason Tassone (ECF No. 102) on August 12, 2015. These documents were produced and entered into the record (ECF Nos. 106 and 106-1) on August 13, 2015. On August 14, 2015, this Court entered an order of dismissal in the case (ECF No. 107). That same day, counsel for Movants filed a motion for a protective order to seal the disciplinary record (ECF No. 109). On August 17, 2015, in light of the order of dismissal, this Court entered a text order finding as moot Movant's Motion for Protective Order (ECF No. 110). However, it has brought to the Court's attention that, since the disciplinary record was produced and entered into the record, Movant's motion is not moot. Rather, it demands a ruling.

Thus, taking into account the factors stated in *Ashcroft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000) and *In re Knight Publishing Co.*, 743 F.2d 231 (4th Cir. 1984), which must be considered for a request such as this, the Court finds that sealing the disciplinary record is appropriate. The availability of this record and its contents to the public is unnecessary and potentially prejudicial. Sergeant Tassone is a non-party witness to a case which has now been dismissed. Further, the Court finds that there is not any other less drastic alternative that would maintain the integrity of the confidential information Movant seeks to protect. Finally, all other parties have consented to Movant's motion.

Accordingly, for the foregoing reasons, the Motion for Protective Order (ECF No. 109) is **GRANTED**, Sergeant Tassone's disciplinary record (ECF Nos. 106 and 106-1) is ordered to be **SEALED**, and the Court's text order (ECF No. 110) is **SUPERCEDED**.

IT IS SO ORDERED.

August 18, 2015
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge